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The Right to Travel Is Not Yet Secure

The best information available on the Hill the morning after the Supreme Court's historic right-to-travel decision indicates that Congress is unlikely to enact a new passport law this session. It is even less likely that a bill framed on such short order could pass judicial muster under the standards foreshadowed by the majority's ruling in the Kent, Briehl and Dayton cases. For while Mr. Justice Douglas, strictly speaking, rested the decision on an interpretation of a 1926 passport law and thus invited Congress to change it, he also warned that "important constitutional questions" would be raised if Congress were to give the Secretary authority "to withhold passports to citizens because of their beliefs or associations." This should be enough to provoke second thoughts about the Walter bill (HR 9991) in the House and the Hennings bill (S3344) in the Senate, both of which would enact into law word-for-word the present departmental passport regulations. We are happy to note that Senator Hennings has now abandoned that bill and unlike Walter supports the Court decision. The non-Communist affidavit required by the Department for the right to travel is dead, for the time being at any rate. Radicals, liberals and nonconformists can travel again without undergoing McCarthyite style inquisition.

Long Fight Ahead

It would be most unwise, however, to assume that the right to travel is now safe. The State Department will not take defeat so easily. Mr. Justice Douglas's invocation of Magna Charta should not blind us to the question mark in the opinion, "Freedom to travel is, indeed," he wrote, "an important aspect of the citizen's 'liberty.' *We need not decide the extent to which it can be curtailed.* We are first concerned with the extent, if any, to which Congress has authorized its curtailment." The italics are added here, in warning. They emphasize that the right to travel can be curtailed. The extent will ultimately depend on the general political atmosphere, the level of concern in Congress for traditional liberties and a slim majority in the Supreme Court. This decision, the first affirmation in our history of the right to travel abroad, was only 5-to-4. The Supreme Court never had reason to pass on the question before because the right had never been challenged until recent years. Political restrictions on the right to travel in peacetime appear fitfully in the anarchist scare toward the end of the last century and in the Red hunt after World War I but did not become a major matter until the cold war State Departments of Acheson and Dulles. This first Supreme Court decision on the question opens the way to a prolonged dialogue between Court and Congress as to what restrictions may be imposed and how. But we predict that if peace lasts they will never be as sweeping in character or as arbitrarily applied as in the last few years. That much is over.

Sweeping Powers Claimed

Until Congress passes a new passport law, the State Department cannot under the Supreme Court's ruling lawfully deny a passport except on the ground that the applicant is not a citizen or is engaged in some illegal activity. The Court holds that these were the only firm grounds of refusal envisaged by the 1926 act leaving the issuance of passports to the discretion of the Secretary of State. The law did not, the Court holds, "give him unbridled discretion to grant or withhold a passport from a citizen for any substantive reason he may choose." This may seem sweeping to those under the impression that the Department is concerned only with the travel of persons whose views and associations it regards as subversive. Actually the Department's claims are much wider. We invite attention to the State Department letter and documents put into the *Congressional Record* by Senator Fulbright on Friday June 13 just before the Supreme Court ruling. These show that the Department regards the right to travel as something it can restrict at will in pursuing its foreign policy objectives. "The Secretary of State must have discretion," an Assistant Secretary of State wrote Chairman Green of Senate Foreign Relations, "to determine whether the presence of a particular individual in a foreign country would affect foreign relations and also whether travel of American citizens generally to a particular foreign country would have a similar effect." It was on such sweeping grounds that the Department barred a respected Judge, William Clark, from travel in Germany where he had proven too independent as an occupation jurist and that it refused to let American newspapermen visit China.

The Evil Is In The Permit Requirement

The right to travel will not be secure until we have gotten rid of special war-time and emergency regulations requiring a passport and get back to pre-war conditions when no passport was legally needed for travel. So long as this permit must be obtained, the right to travel will be as precarious as was freedom of the press in England in the days when a license was required before the publication of a book or newspaper. The reasoning of Acheson and Dulles is much the same as that against which Milton inveighed in the *Areopagitica.* Our cold war Secretaries of State have sought in advance, like Cromwell's censors, to forestall the subversive and seditious. We need unlicensed travel as we have unlicensed printing.

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The "Hards" Here Must Share Blame for Reappearance of the "Hards" There

Nagy Execution May Signal General Return to Stalinist Poticy

From the standpoint of justice, the Nagy affair is sickening. The official Hungarian communique does not say where the trial was held or when; it was so secret the news seems to have come as a complete surprise in Budapest. Even Stalin in the 30's staged public trials at which foreign correspondents were present. The brutal faithlessness of the Russians in this whole affair will never be forgotten in Eastern Europe: they seized General Maleter when he came on their invitation to negotiate peace; they seized Nagy when he left the Yugoslav Embassy in Budapest on their promise to give him a safe-conduct. The communique on the trial, on its face, betrays the familiar secret police practice of adding two and two to make thirteen. Nagy and Maleter "denied their guilt but were unmasked"—it is easy to imagine the horror and the lonely courage behind that phrase.

Who Will Be The Next Beria?

From the standpoint of Russia's relations with its other satellites, it is hard to see how a new wave of purges is to be avoided. To speak of "the black flag of 'national communism'," as does the Nagy communique, is to signal the end of hope for Poland. If the Russians are going back to rule by naked repression and terror, then they will in their paranoid way seek out every jot and title of deviation as a counter revolutionary danger. The Polish press and radio covered the Hungarian revolt at first hand and honestly; Polish sympathy was with the Hungarian revolutionists; Polish opinion understood that the roots of the uprising were not in Western imperialism but in the hatred of the workers and the Communist rank and file for a regime of secret police at whose apex was a new ruling class of Communist bureaucrats, with special privileges, special stores, luxury amid poverty. The Russians as rulers under the Czars and now under the Commissars have never known the art of holding the reins lightly. We are in for a repetition of the anti-Titoist wave which began in 1948, and will no doubt some day hear a new regime say "Excuse it, please."

From the standpoint of internal policy, the Nagy affair must signal the end of hopes for internal reforms in the Soviet Union itself to prevent a repetition of the evils which occurred under Stalinism. The reform of the criminal code promised five years ago has never been announced. The Soviet press long ago stopped talking even of "the cult of personality." If a "hard" policy is pursued in the satellites, a "hard" policy will be pursued at home. Krushchev will be hard put to survive the dismantling of so much with which his regime was associated—the reconciliation with Tito, the modus vivendi with Gomulka, the efforts at peaceful coexistence.

This brings us to the gravest aspect of all, the international. On June 16, Krushchev made public a summary of his letter of June 11 to Eisenhower, seeking to blame the Western powers for the breakdown of hopes for a summit conference. The next day Moscow announced the execution of Nagy and Maleter. These are not isolated events, but related. They mark complementary steps on a shift back toward Stalinist rigidity and the armed camp attitude toward the rest of the world. It is as if Moscow, disappointed in its efforts to reach a settlement with the West, had decided to dig in for a long period of tension, determined to survive by the ugly methods of the Stalinist past. All governments, whatever their ideology, contain men who believe in conciliation and "tough guys." It is easy to imagine what the "tough guys" have been saying in Moscow for many months. They seem to have won.

Variety on IFS

"Three ink-stained vets of the fourth estate—Herbert Brucker of the Hartford Courant and chairman of the Freedom of Information Committee of the American Society of Newspaper Editors; William Miller, chief editorial writer of the New York Herald-Tribune, and I. F. Stone, former Washington correspondent and now editor of a weekly newsletter—kicked around the pressing subject, 'All the News' on 'The Open Mind' program over WRCA-TV Sunday (June 1) with Richard D. Heffner in the role of moderator.

"Stone, who pulls no journalistic punches and is a badgering banderillero of the American press, provided most of the fireworks during the rapidly moving 30-minute powwow. Miller and Brucker are no journalistic slouches, but in this instance it was Stone's pyrotechnics that put the torrid tabasco sauce into the professional shop talk at thirty." —*Variety, June 4.*

Rigidity Preferred

Another axiom of government is that in international relations the "tough guys" strengthen each other's hands. Just as the conciliators find in each other proof that conciliation is possible, so the "tough guys" find in each other proof that the other side is not to be trusted. So it is in this situation. The State Department has always preferred a "tough guy" Russia—it is so much easier to strike fierce rigid attitudes than to venture onto the difficult task of shaping flexible policies which inevitably bring criticism from the diehards at home. In this sense the Department always preferred Stalinism, and has been helping it to revive.

The documents hastily released here by the State Department on June 16 when it heard of the release in Moscow of the statement summarizing Krushchev's letter to Stalin deserve careful reading. They show that what we have been pursuing in Moscow is not informal exploration of possibilities. Instead the Ambassadors of the three Western powers seem to have been jointly presenting formal statements, and these embody the same old package proposals on disarmament and the same effort to get a Russian surrender reunifing Germany on Western terms.

Now the State Department implies "Summit Talk Outline Dim" but Mr. Dulles has been doing his best to dim it. His testimony to the Senate Foreign Relations Committee on June 6, his press conference on June 10, his TV interview with Congressman Keating on June 15 and his press conference of June 17 were all marked by statements disparaging the possibilities of a summit meeting he has never wanted. If the world drift is now back to prolonged tension, credit for this victory of the "hards" in Moscow must be shared with their opposite number here in Washington.

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A Complex Family Brawl No Place for Atomic War or Nuclear Diplomacy

Getting Uncomfortably Close to A New Brink in the Lebanon

A dangerous situation is developing over the Lebanon. Its origins lie in an oversimplified picture of what is happening there. If the rebellion against the Chamoun government were merely a Nasser plot, and the problem were simply to stop the flow of men and arms to the rebels from across the border in Syria, enough troops to seal the border might solve it. But the troubles which began in mid-May with a general strike to protest the assassination of an oppositionist pro-Nasser editor are much more complex than that. Every group in the Lebanon, its Moslems, its Maronites, its Catholics and its Druses seems to be split between a pro and anti-Chamoun faction. President Chamoun himself seems to have been exploiting American support to extend his term despite a constitutional provision limiting him to one six-year period in office. The U. S. has rarely gotten itself mixed up in a more complicated family quarrel.

A Long Open Border

The Syrian border is not the key to the situation, and even if it were a handful of UN observers would be totally inadequate to its 200 mile length, most of it open and half of it in rebel hands. If more observers are to be sent in, they should be from neutral countries. Mr. Dulles's hint at press conference (June 17) that we would be ready to supply more troops for such a purpose seems poor judgment. It was even more alarming to hear Mr. Dulles say cryptically that there were "other possible contingencies" under which the U. S. might intervene alone. This family row in the tiny Lebanon is not one which can be ended with atom bombs. This is a job for riot police and could tie U. S. troops down for months while hatred boiled up against us all through the Arab world.

Yet Mr. Dulles has been prancing up to this new brink for several weeks. The official line was indicated by a speech which Senator Javits, a loyal Eisenhower Republican, made in New York—most inauspiciously—at an Israel 10th anniversary dinner May 19. He said the Lebanese government could appeal for aid either to the United Nations or under the Eisenhower doctrine. "In both cases," Senator Javits said, "we are committed to give our support."

Mr. Dulles was asked by the press on June 17th whether in the Lebanese, as in the Suez crisis, there might be a tacit agreement that neither the U. S. nor the U. S. S. R. would contribute troops to a UN force in the area. He dodged the question. In the Suez crisis, the U. S. and the U. S. S. R. were both on the same side. That is not true in the Lebanese affair. This makes it all the more important to seal off the Lebanese civil war from great Power intervention and rivalry. The Lebanon is a most perilous "brink."

Disengagement Proposed

"The (London) Observer refers to the situation in the Lebanon. It thinks the United Nations observers there may help to keep a brake on outside intervention which could only make the situation worse. If Lebanese independence is to be preserved, it is far more important to restore Christian-Moslem communal harmony than to score points in the cold war between Russia and the West. That harmony has recently rested on a tacit understanding that the Moslem half of the population would not seek a complete union with Syria provided that the Christian half did not rely too openly on an outside protecting power which might be in conflict with Syria and other Arab nationalist interests. It was the involvement of the Arab world in the great power struggle that upset this understanding. The Observer goes on: '. . . Lebanon has often been called the Switzerland of the Middle East. There is a good case for making this comparison more real by adopting an absolute neutrality which could be guaranteed by the great powers. This would satisfy Lebanon's need far better than association with either the Eisenhower Doctrine or Nasser's positive neutralism. The great powers might also find Lebanon the easiest place to experiment with a policy of disengagement'."

—British Press Digest, June 16.

After All the Talk of A More Flexible Attitude by Dulles on Nuclear Testing

Ever since Stassen resigned in February, the press office of the State Department (and Nixon at a private dinner with British correspondents) have fed out inspired stories that Mr. Dulles had grown more flexible and had indeed taken over Stassen's idea of negotiating a test suspension separately from the rest of the disarmament package. What follows is commentary on those reports for those gullible enough to have been taken in:

"It (the Soviet government) tries to cover its tracks . . . by advocating the general cessation of nuclear weapons tests—which of course involves no armament reduction whatsoever."

—Dulles, to Senate Foreign Relations Com., June 6.

". . . any agreement to suspend testing, if made, would not be an isolated agreement but be a part of other arrangements. . . . We believe that suspension of testing, in isolation, is a very inadequate measure. . . ."

—Dulles, press conference, June 10.

Q. Mr. Secretary, to go back for a moment to the technical talks which are to be held in Geneva, the Soviet Union obviously assumes that any agreement on inspection methods would lay us under obligation to agree to suspension of tests, quite apart from other elements in the disarmament package, whereas last week I believe you said that an agreement on test suspension would be made conditional upon further tests. Well, that seems to be a basic difference here.

A. It could be a basic difference. . . .

—Dulles, press conference, June 17.

"As for the nuclear problem, the heart of the matter is not the mere [sic] testing, but the weapons themselves. . . . If there is agreement to put an end to the production of fissionable materials for new nuclear weapons, the way lies open to an immediate solution of the problem of nuclear testing. . . . Testing could be stopped indefinitely if the necessary inspection system is installed and the production of fissionable materials for weapons is also effectively ended. Both would be carried out under effective measure of international control."

—Western Agenda Proposals for A Possible Summit Conference, aide-memoire given Foreign Minister Gromyko May 28, and made public in Washington June 16.

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Admiral Strauss Picks Himself A Perfect Understudy at the AEC

No hearing has yet been scheduled by the Joint Committee on Atomic Energy to consider the nomination of John A. McCone of Los Angeles to succeed Admiral Lewis L. Strauss on the Atomic Energy Commission. The little that is known about Mr. McCone suggests that the only effect of the shift will be to disarm critics of the AEC. *

The *Wall Street Journal* June 6 said Mr. McCone's ideas "very much parallel those of Mr. Strauss," except that on the question of atomic power "one personal friend of Mr. McCone" declared he would be "to the right of Lewis Strauss." Since the Admiral himself is far from an orthodox Marxist-Leninist, this should reassure the friends of private enterprise. The *Journal* added that he had the support of Nixon and was "a major money raiser" for Knowland.

A Freudian Slip-Up?

The *New York Times* Sunday, June 15, ran a background interview with the nominee by its Los Angeles correspondent Gladwin Hill. The story contained a fascinating garble, uncorrected through all editions. It said mystifyingly: ". . . these are presumptions that can be reasonably projected about his expected role in the commission: end atomic tests or to share with foreign countries nuclear information."

When we telephoned the *Times*, we were informed that the first line of the paragraph following the colon had fallen out. This missing line said "He would be in no hurry either to . . ." i.e. in no hurry either to end atomic tests or to share with foreign countries nuclear information. Here again Mr. McCone and his predecessor seem so closely attuned that we are afraid some person given to low comedy may yet refer to the nominee as Louie's Irish Rose.

The *New York Times* interview said "Mr. McCone got his first major experience in collaboration between Government and private industry in World War II as head of the California Shipbuilding Corporation." To this we can add a note of our own. In *Facts on File* for 1946, p. 309, there is a summary of testimony by Ralph E. Casey of the General Accounting Office to the House Merchant Marine Committee on September 23 of that year in which he said that 19 firms operating Government-built shipyards during the war made $356,000,000 on capital investments of $22,000,000.

Underdog-of-The-Week Dept.

The vast and disproportionate space given the Adams affair by the press reflects much less an interest in good government than the pleasure people take in seeing a man made to suffer and humiliated, especially a man who had irritatingly seemed to be superior. How the mob loves to discover that a man in high position is just a heel, too, like themselves.

Only 100 Percent Profit

One of these lucky firms was California Shipbuilding Corporation. Mr. McCone as president of the Company, accused Mr. Casey of "half-truths." Mr. Casey testified the California company made a profit of $44,000,000 on an investment of $600,000. Mr. McCone claimed it made only $8,782,868 on an investment of $7,300,000, or more than 100 per cent.

The collaboration may be as close this time, since the nominee has many business interests, some of them doing business with the AEC, among them the Bechtel-McCone Corp., a Los Angeles engineering firm which has been engaged in the construction of atomic power reactors.

Mr. McCone's past service in government is indicative. He was a member of the Truman Air Policy Commission which in 1948 advocated a stepped-up, indefinitely prolonged arms race. The report became the bible of the aviation lobby. His view recommended him to Secretary of Defense Forrestal, under whom he served as deputy. Forrestal was perpetually alarmist. Mr. McCone served in 1950-51 as Under Secretary of the Air Force.

Admiral Strauss, afraid of a Senate fight over confirmation, in which his part in the Dixon-Yates scandal would be fully aired, has picked an understudy who can be relied upon to hold the fort for free enterprise and the arms race. The Admiral will still be able to keep a look-out on the AEC from his new White House post as Presidential assistant on the atoms-for-peace program. This does not require Senate confirmation. Admiral Strauss has always been smooth.

* On the other hand, Mr. McCone's appointment may strengthen the AEC's liaison with the White House. Mr. McCone is a member of five golf clubs in California, New York and Washington. Here his club is the Burning Tree, where the President plays regularly.

The Senate Was About to Take Up The Atomic Give-Away Bill as We Went to Press—Full Report Next Week

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